



# House of Representatives

General Assembly

**File No. 287**

February Session, 2008

Substitute House Bill No. 5136

*House of Representatives, March 31, 2008*

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE CONTRACT POWERS OF THE  
COMMISSIONER OF ENVIRONMENTAL PROTECTION AND  
ESTABLISHING A CLIMATE CHANGE IMPACTS TASK FORCE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2008*) (a) Not later than January  
2       1, 2009, the Governor's Steering Committee on Climate Change shall  
3       establish a Climate Change Impacts task force comprised of such state  
4       agencies and experts as the Governor's Steering Committee on Climate  
5       Change determines to be appropriate. Said task force shall (1) assess  
6       the impacts of climate change on state and local infrastructure, public  
7       health and natural resources and habitats in the state; (2) develop  
8       recommendations and plans that, if adopted, would enable state and  
9       local government to adapt to such impacts; and (3) provide technical  
10      assistance to implement such recommendations and plans.

11      (b) On or before December 31, 2009, the task force shall report to the  
12      Governor's Steering Committee on Climate Change on its assessment  
13      of current state and private programs and research concerning the

14 projected impact of climate change in the state on: (1) Infrastructure,  
15 including, but not limited to, buildings, roads, railroads, airports,  
16 dams, reservoirs, and sewage treatment and water filtration facilities;  
17 (2) natural resources and ecological habitats, including, but not limited  
18 to, coastal and inland wetlands, forests and rivers; (3) public health;  
19 and (4) agriculture. The task force may conduct one or more public  
20 hearings regarding such assessment and regarding the  
21 recommendations for further assessments of impacts on the resources  
22 specified in subdivisions (1) to (4), inclusive, of this subsection.

23 (c) On or before July 1, 2010, the task force shall report to the  
24 Governor and the General Assembly, in accordance with the  
25 provisions of section 11-4a of the general statutes, containing the  
26 results of its assessment in accordance with subsection (b) of this  
27 section concerning its recommendations for changes to existing state  
28 and municipal programs, laws or regulations to enable municipalities  
29 and natural habitats to adapt to harmful climate change impacts and to  
30 mitigate such impacts.

31 Sec. 2. Subsection (b) of section 22a-174 of the general statutes is  
32 repealed and the following is substituted in lieu thereof (*Effective from*  
33 *passage*):

34 (b) The commissioner shall have the power to [employ] (1) enter  
35 into contracts with technical consultants, including, but not limited to,  
36 nonprofit corporations created for the purpose of facilitating the state's  
37 implementation of multi-state air pollution control programs, for  
38 special studies, advice and assistance; to consult with and advise and  
39 exchange information with other departments or agencies of the state;  
40 and (2) serve on the board of directors of a nonprofit corporation,  
41 including, but not limited to, a nonprofit corporation created for the  
42 purpose of facilitating the state's implementation of multi-state air  
43 pollution control programs.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>from passage</i>	22a-174(b)

**ENV**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

There is no fiscal impact since the Department of Environmental Protection (DEP) already has the authority to enter into contracts with various parties.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sHB 5136****AN ACT CONCERNING THE CONTRACT POWERS OF THE  
COMMISSIONER OF ENVIRONMENTAL PROTECTION AND  
ESTABLISHING A CLIMATE CHANGE IMPACTS TASK FORCE****SUMMARY:**

This bill requires the Governor's Steering Committee on Climate Change to create a Climate Change Impacts task force to assess climate change impacts on the state, and recommend to the governor and legislature ways the state can adapt to, and mitigate, these impacts. It authorizes the Department of Environmental Protection (DEP) commissioner to contract with, and serve on the board of, a nonprofit organization created to help the state implement a multi-state air pollution control program. It is not clear if state law allows the commissioner to both contract with an organization and serve on its board.

EFFECTIVE DATE: October 1, 2008, except for the provision authorizing the commissioner to contract with, and serve on the board of, a nonprofit organization takes effect upon passage.

**CLIMATE CHANGE IMPACTS TASK FORCE**

The bill requires, by January 1, 2009, the Governor's Steering Committee on Climate Change to create a Climate Change Impacts task force to (1) assess climate change impacts on state and local infrastructure, public health, and natural resources and habitats; (2) prepare recommendations and plans to enable state and local governments to adapt to these impacts; and (3) provide technical assistance to implement the recommendations and plans. Task force members must consist of any state agency representatives and experts

the steering committee finds appropriate.

By December 31, 2009, the task force must report to the steering committee on its assessment of current state and private programs and its research on the impact of climate change on state:

1. infrastructure, including buildings, roads, railroads, airports, dams, reservoirs, and sewage treatment and water filtration plants;
2. natural resources and ecological habitats, including coastal and inland wetlands, forests, and rivers;
3. public health; and
4. agriculture.

The task force may hold public hearings on its assessment and on recommendations for further assessments of climate change impacts on these resources.

The task force must report to the governor and legislature, by July 1, 2010, on the results of its assessment and its recommendations for changes to state and municipal programs, laws, or regulations to enable municipalities and natural habitats to adapt to and mitigate harmful climate change impacts.

#### **DEP COMMISSIONER'S AUTHORITY**

Current law authorizes the commissioner to employ technical consultants for special studies, advice, and assistance. The bill authorizes her to enter into contracts with these technical consultants, including contracts with nonprofit corporations created to help the state implement a multi-state air pollution control program. It authorizes her to also serve on the board of directors of such a nonprofit corporation. It is unclear if this would violate the state Ethics Code's prohibition against public officials engaging in any business, employment, transaction, or professional activity that substantially conflicts with the proper discharge of their duties, employment in the

public interest, or responsibilities as prescribed by law (CGS § 1-84).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea    22    Nay   5    (03/12/2008)